

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRANDON MOYER,

Plaintiff

v.

GENE BERDANIER, *et al.*,

Defendants

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CIVIL NO. 3:CV-11-1811

(Judge Caputo)

O R D E R

AND NOW, this **26th** day of **FEBRUARY, 2013**, upon consideration of Warden Berdanier's Motion for a Protective Order (Doc. 36), and in accordance with the accompanying Memorandum, it is hereby **ORDERED** that:

1. Warden Berdanier's Motion for a Protective Order is **DENIED** with respect to Mr. Carney's July 25, 2010, investigation into an allegation of assault of an inmate by Corrections Officer Marl Sullivan.
2. Within thirty (30) days of the date of this Order, Mr. Carney shall comply with Plaintiff's subpoena *only* with respect to the July 25, 2010, investigation into allegations of Correction Officer Sullivan's assault of an inmate.
3. Within fourteen (14) days of the date of this Order, Warden Berdanier is to submit copies of Mr. Carney's July 10, 2010, and November 13, 2010, investigations into allegations of sexual harassment and inappropriate workplace behavior by Corrections Officers Farron, Harner and Sullivan to the Court for *in camera* review.
4. Within fourteen (14) days of the date of this Order, Warden Berdanier will advise the Court if he has entered into a confidentiality agreement with Plaintiff's counsel regarding the release of the Shannon report.

5. If a confidentiality agreement is not sought by Warden Berdanier with respect to the Shannon report, or one cannot be reached by the parties, Warden Berdanier shall submit a copy of the Shannon report to the Court for *in camera* review on or before March 11, 2013.
6. If Warden Berdanier submits the Shannon report to the Court for *in camera* review, he shall also simultaneously file a properly supported memorandum of law setting forth any claim of privilege he wishes the Court to consider when considering the release of the Shannon report. Mr. Moyer shall file an opposition brief within fourteen (14) days of any memorandum Warden Berdanier files related to the Shannon report.
7. Pending this Court's inspection of the documents submitted for *in camera* review, neither Mr. Carney nor Mr. Shannon shall comply with Plaintiff's subpoena unless specifically directed by the Court.

/s/ A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge